

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2645 OF 2005

N.J. Fernandes

... Petitioner

Vs.

Videsh Sanchar Nigam Limited
& Another.

... Respondents

Mr. Jaiprakash Sawant for the petitioner.

Mr. K.M. Naik i/b S.P. Tophar for respondents 1 and 2.

Ms. Sonali Humne i/b S.S. Pakale for respondent 3.

**CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.****DATED: 30TH NOVEMBER 2005.****P.C.:-**

1. The petitioner was in the service of the Central Government. He worked in the Department Canteen of the Videsh Sanchar Nigam Limited - respondent 1 herein. The grievance of the petitioner is that the the respondents have not granted to him the extended pensionary benefits admissible to him under the Central Government's Office Memorandum No.12/9/2000-Dir(C) dated 8/11/2000 to the extent that his entire past services are to be reckoned as qualifying service for the purpose of calculation of his pension. He has, therefore, prayed that appropriate direction be given to the respondents to immediately settle the case of the petitioner afresh by reckoning the petitioner's entire past service i.e. w.e.f. 8/6/1955

for the purpose of pension in terms of the Central Government's Office Memorandum No.12/9/2000-Dir(C) dated 8/11/2000 (Exhibit-'A') and make the payment of the same with interest at the rate of 18 per cent per annum from the date the said amount was due, costs and compensation.

2. In response to the petition, an affidavit has been filed by one Mr. Vivek Dayaram Dhule, Manager (H/R) on behalf of respondents 1 and 2. Paragraph 4 of the said affidavit reads as under:

"4. Without prejudice to the above, I say that the petitioner was absorbed in VSNL on 01-04-1992 (FN) based on the Orders issued by Ministry of Finance endorsed under HQ IOC No: HQ-A/01-75/92-PE.1 dated 2-12-1997. The petitioner was being paid pension based on the abovementioned order for absorption which mentioned that i.r.o. of the canteen employees absorbed in VSNL, the services were to be counted from 26-09-1983 and if it is less than 10 years service, the service earlier rendered by them should be added. i.e. from 01-04-1982 to 31-03-1992. Thus pension was paid, restricted to 10 years of his service even though the employee would have put in more than 10 years of service. Accordingly, the Petitioner submitted his

form on 18/12/1997 and the pension was settled and started. Subsequently, on issue of Memorandum No: 12/9/2000-Dir(C) dated 8-11-2000 the Petitioner has become entitled to the extended pension. A copy of the said memorandum dated 8.11.2000 was not received by VSNL. Subsequently the petitioner submitted his application for revised pension along with the order in the month of June, 2002. I say that the Respondent No.1 has discharged its duty of processing the papers and had submitted the same to the Office of Controller of Communication Accounts, Santacruz who has in turn, verified and forwarded the same for authorization and issuance to Department of Telecommunication, New Delhi and revised Pension Payment Order will be released in due course. Hence, the present Petition has no substance."

3. From the above averments, it appears that respondent 1 has discharged its duty of processing the papers and had submitted the same to the office of Controller of Communication Accounts, Santacruz, who has, in turn, verified and forwarded the same for authorization and issuance to Department of Telecommunication, New Delhi viz. respondent 3. Since the papers have been

: 4 :

processed, we expect respondent 3 to take immediate action and pay the revised pension, if it is due to the petitioner within six weeks from today.

4. In view of this, the learned counsel for the petitioner seeks permission to withdraw the petition. The petition is allowed to be withdrawn and is disposed of as such.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)